IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES - NW/Corner of Baltimore and First Avenues 13th Election District

* ZONING COMMISSIONER 1st Councilmanic District * OF BALTIMORE COUNTY

Brenda C. Harman Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

* Case No. 89-199-SPHA

The Petitioner herein requests a special hearing to approve a 5.204 sg.ft. lot as a buildable lot which will not affect the overall density in the area of its location, and a variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed single family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as Lots 9 and 10 of the "Plat of Section 1, Lansdowne," is zoned D.R. 5.5 and is currently unimproved. Petitioner proposes constructing a two-story, single family dwelling on the subject property which does not meet current zoning requirements as to building and setback regulations. Petitioner estified she and her husband purchased the subject property in July 1988 from the owner of the adjacent Lots 7 and 8. Testimony indicated that the predecessor in title owned Lots 4 through 10 and sold Lots 9 and 10 to notation of the control of the contr tioner was advised a poblic hearing would be required for zoning approval.

> Petitioner seeks relief pursuant to Section 500.7 and from Section 1B02.3.B, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

#108

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-199-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

To determine that a 5,204 square feet lot in a D.R.-5.5 zone is buildable and will not effect the overall density in that area.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filling of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): BRENDA C. HARINAN (Type or Print Name) (Type or Print Name) Sunder C. Harran (Type or Print Name) City and State 237-5746 Attorney for Petitioner:

(Type or Print Name) Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Beenda C. Hoseman City and State

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 30th day of Hoveraber, 1988, at 9 o'clock

Z.C.O.-No. 1

Zoning Commissioner of Baltimore County

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and/or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance... is... whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship;' and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-199-SPHA The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B. to permit a lot width of 50' in lieu of the required 55'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Property purchased 2 lots @ 25' each with intention to build 2 stray single family dwelling consisting of apparx. 1,200 sg ft with a 25 Foot Front setback with 14 Foot side setbacks to coincide with the community.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulation and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	ORENDA C. HARMON (Type or Print Name) Surda C. Harman
Signature	Signature C. Harran
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	237-5746
(Type or Print Name)	4214 Groveland Rd Address Phone No.
Signature	City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	Beenda C. Harenand
Attorney's Telephone No.:	Address Phone No.
ORDERED By The Zoning Commissioner of	Baltimore County, this 28th day

of September., 19 88, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 30th day or November 1988 at 9

ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS DATE 1/14/86

After due consideration of the testimony and evidence presented, it appears the Petitions for Special Hearing and Zoning Variance should be denied. A zoning variance is not and should not be granted simply because of the ignorance of a prospective buyer. The burden is upon the buyer to check the law. Petitioner argued that they purchased the property in good faith and that all of the lots in the vicinity are 50 feet wide. However, in the opinion of the Zoning Commissioner, the hardship and practical difficulty is self-created due to the fact that the predecessor in title had enough land to create a perfectly legal and buildable lot. Petitioner purchased only the two 25-foot wide lots in question containing 5,204 sq.ft total which does not constitute a buildable lot in accordance with the zoning regulations. In the opinion of the Zoning Commissioner, both the Petitioners' predecessor in title and the Petitioner have created the alleged hardship.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Balti-Smore County this Withday of December, 1988 that the Petition for Special Hearing to approve a 5,204 sq.ft. lot as a buildable lot which will not affect the overall density in the area of its location, and the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed single family dwelling in accordance with Petitioner's Exhibit 1 be and are hereby DENIED.

> MALMUD & ASSOCIATES, INC. 100 CHURCH LANE

BALTIMORE, MARYLAND 21208

TELEPHONE (301) 653-9511

DESCRIPTION FOR ZONING VARIANCE

LANSDOWNE

P.B. J.W.S. 1-49, LOTS 9 & 10

BALTIMORE COUNTY, MARYLAND

wide, at distance of 125 feet westerly from the corner formed by the

Section One, Lansdowne" recorded among the Land Records of Baltimore

County in Plat Book J.W.S. 1 at folio 49, thence binding on First

binding on the line of division between Lot 8 and Lot 9:

intersection of the west side of Baltimore Avenue, 50 feet wide, and the

north side of First Avenue, said point of beginning being at the line of division between Lot 10 and Lot 11 as shown on a plat entitled "Plat of

Beginning for the same on the north side of First Avenue, 50 feet

(1) North 87° 10' West 50 feet, thence leaving First Avenue and

(2) North 0° 50' East 103.1 feet, thence binding on the north

(3) North 880 41 East 50.04 feet, thence binding on the line of

(4) South 0° 50' West 104.98 feet to the place of beginning.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE

JRH:bjs

Avenue:

outline of Lot 9 and Lot 10:

FILE: LANSDOWNE DESC 15

division between Lot 10 and Lot 11:

Containing 0.12 of an acre of land, more or less.

TE 108

Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 **4812211** 887-3353 J. Robert Haines

December 20, 1988

Ms. Brenda C. Harman 6214 Groveland Road Linthicum, Maryland 21090

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE NW/Corner Baltimore and First Avenues 13th Election District - 1st Councilmanic District Brenda C. Harman - Petitioner Case No. 89-199-SPHA

Dear Ms. Harman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Zoning Commissioner for Baltimore County

cc: People's Counsel

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

Ms. Brenda C. Harman 6214 Groveland Road Linthicum, Maryland 21090

Re: Petitions for Special Hearing and Zoning Variance CASE NUMBER: 89-199-SPHA NUC Baltimore Avenue and First Avenue 13th Election District - 1st Councilmanic Petitioner(s): Brenda C. Harman HEARING SCHEDULED: WEDNESDAY, NOVEMBER 30, 1988 at 9:00 a.m.*

Dear Ms. Harmans

Please be advised that \(\frac{\psi_{102.36}}{2.36} \) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time

Please make your check payable to Baltimore County, Maryland and bring

8 8 25 · · · · · 107 56: 8 = 18. F VALIDATION OR SIGNATURE OF CASHIER

J. Robert Haines

Date: 1/-15-88

Dennis F. Rasmussen

it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

it along with the sign(s) and post(s) to the Zoning Office, County Office
Building, Room 111. Towsey Manual County of minutes before

BALTIMORE COUNTY, MARYLAND	No. 058972
OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE ACCOUNT.	2016110
DATE	· 11 2.36
RECEIVED / 1 /	Part of the second
() . A	

Zoning Commissioner of Baltimore County.

I/We do solemnly declare and affirm,

HEVIEWED BY: MIK

Registered Land Surveyor

Maryland No 7558

August 10, 1988

post set(s), there

each set not

89-199-5PHA CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

. Date of Posting November 10, 1988 Posted for: Variance + Special Hearing Petitioner: Brunda C. Harman Location of property: 11 &/ low. Baltimon arenue and First arenue iocation of Signer North side of First are in front of Lots # 9 and #10 Posted by S. J. Arata Date of return: Morember 18, 1988

The Zoning Commissioner Beltimore County, by sushority of the Zoning Act and Regulations of Baltimore County will hold a on Beammer County
public his sing on the property
identified nerein in Room 106 of
the County Office Building, located at 111 W. Chosepeake Avand Zoning Variance
Case Number: 89-199-SPHA
NWC Baltimors Ayeout and
First Avenue
13th Election District Petitioner(s): Brenda C. Harman Hearing Date: Wednesday, Nov. 30, 1988 at 9:00 a.m.* Variance: To permit a lot width or 50 ft. in lieu of the required 55 Special Hearing: To determine that a 5,204 sq. ft. lot in a D.R.5.5. zone to buildable and will not ef-IF PHASE II OF THE SNOW EMERITENCY PLAN IS IN EF-FECT ON THIS DATE, CASE MAY SE RESCHEDULED, CALL 494-3381 TO CONFIRM DATE: In the event that this Polition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the la-suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or

Number of Signe: __ &

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 10, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on 10 10 1988.

Arbututus Times
THE JEFFERSONIAN,

5. Zohe Colombiner

PO 05796 rea M20399 case 89-199-5PHA price \$72.36

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act

and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance CASE MATEER: 83-139-SPHA MMC Baltimore Avenue and First Avenue 13th Election District - 1st Councilmanie Petitioner(s): Erenda C. Harman HEARING SCHEDULED: WEDNESDAY, NOVEMBER 30, 1988 at 9:00 a.m.*

Variance to permit a lot width of 50 ft. in lieu of the required 55 feet. Special Hearings To determine that a 5,204 sq. ft. lot in a D.9.5.5 zone is buildeble and will not effect the overall density in that area.

"IF PHASE II OF SMOW EMERGENCY PLAN IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3391 TO CONFIRM DATE.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Prenda C. Harman

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IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDUR -ED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELE-PHONE DOCKET CLERK AT 494-3391 TO CONFIRM DATE.

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

FILE NO. 2673

This Deed, MADE THIS

in the year one thousand nine hundred and

by and between

of the first part, and

#108

EDWARD L. BRYL and MARY A. BRYL, his wife, parties

BRENDA HARMAN, party

of the second part.

WITNESSETH, That in consideration of the sum of SEVENTEEN THOUSAND DOLLARS (\$17,000.00) and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said parties of the first part

grant and convey to the said party of the second part, her

personal representatives/successes and assigns

, in fee simple, all of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots No. 9 and 10, as shown on the Plat of Section 1, LANSDOWNE, which Plat is recorded among the Land Records of Baltimore County in Plat Book JWS 1, folio 49.

BEING part of the property described in a Deed dated December 13, 1978 and recorded among the Land Records of BAltimore County in Liber EHK, Jr. 5977, folio 75, from James J. O'Connor and Jeffrey C. Hines, Trustees to Edward L. Bryl and Mary A. Bryl,

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot

of ground and premises to the said

party of the second part, her

, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seal s of said grantor s.

STATE OF MARYLAND, ANNE ARUNDEL CO., to wit:

I HEREBY CERTIFY, That on this

, before me, in the year one thousand nine hundred and eighty-eight the subscriber, a Notary Public of the State aforesaid, personally appeared EDWARD L. BRYL and MARY A. BRYL, his wife,

whose name s xis/are subscribed to known to me (or satisfactorily proven) to be the person s the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1990

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke Chief

September 28, 1988

J. Robert Haines Zoning Commissioner

Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen

Re: Property Owner: Brenda C. Harman

Location: NW corner of Balto. Avenue & First Avenue

Zoning Agenda: Meeting of 9/27/88 Item No.: 108

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the

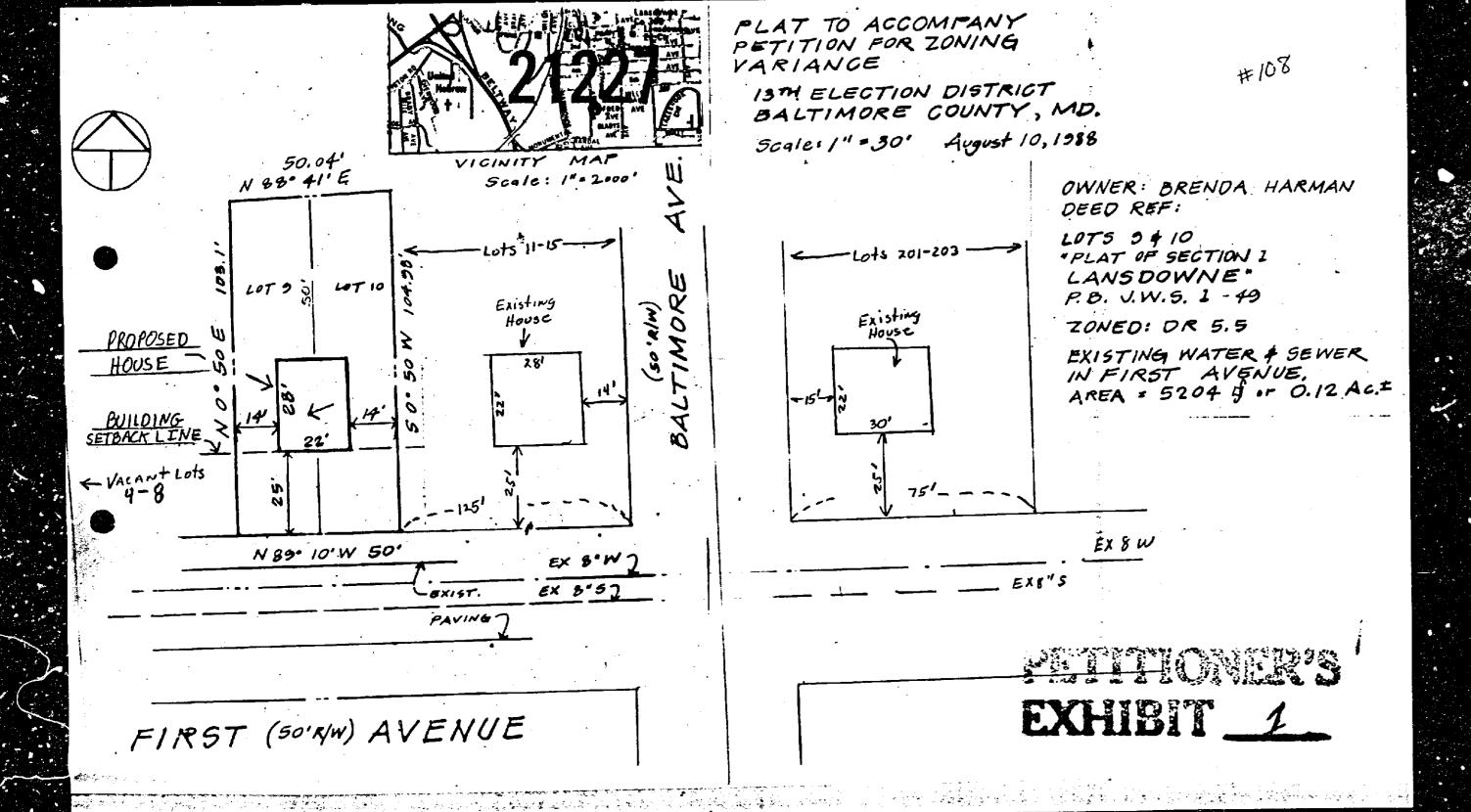
(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this

REVIEWER: Cost Josep Telly 9-75-15 Approved: Special Inspection Division

Fire Prevention Bureau



COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

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MEMBERS

Bureau of Engineering Department of Traffic Engineering

Traffic Engineering
State Roads Commission

Bureau of Fire Prevention Health Department Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Brenda C. Harman 6214 Groveland Road Linthicum, MD 21090

RE: Item No. 108; Case No. 89-199-SPHA
Petitioner: Brenda C. Harman
Petition for Zoning Variance &
Special Hearing

Dear Ms. Harman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of plans that may have a bearing on this case. Director of planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted form the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Janu E. Dyer/dt

JAMES E. DII

Chairman Zoning Plans Advisory Committee

JED:scj

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 28, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 105, 106, 108 109, 110, 111, 113, and 114.

Very truly yours,

Michael S. Flanigan
Engineering Associate

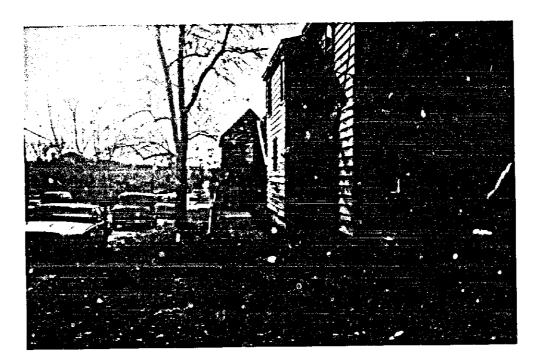
ISF/lvw

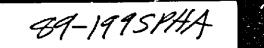
RECEIVED

ZONING OFFICE

PETITIONER(S) EXHIBIT (2)







PETITIONER(S) EXHIBIT (



